



California Fair Political Practices Commission

November 21, 1989

Bruce Pointkowski
Legislative Consultant
Assemblyman Ted Lempert
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0001

Re: Your Request for Advice
Our File No. A-89-652

Dear Mr. Pointkowski:

This is in response to your request for confirmation of telephone advice regarding the mass mailing restrictions of the Political Reform Act (the "Act").^{1/} This letter confirms that the sample of the mass mailing (copy attached) submitted with your request for confirmation does not violate the mass mailing provisions of the Act.

As I stated in our telephone conversation, Section 89001 provides that no newsletter or other mass mailing shall be sent at public expense. The Act defines a "mass mailing" as more than 200 substantially similar pieces of mail sent in a calendar month, but excludes mailings sent in response to a specific, unsolicited request. (Section 82041.5; Regulation 18901(d), copy enclosed.) Regulation 18901(c) provides that a newsletter or other mass mailing may not be sent within the meaning of Section 89001 if the name, office or other reference to an elected officer or his or her photograph appears on the document. There are certain exceptions to this general rule. (See Regulation 18901(e) and (f).)

The mailing you have submitted includes Assemblyman Lempert's name and title in the standard letterhead of the Assemblyman's office and in no other place in the mailing. Regulation 18901(e) provides that a newsletter or other mass mailing is not prohibited by Section 89001 if the stationery, forms and envelopes used for the mailing are the standard stationary, forms and envelopes of

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

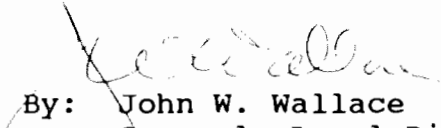
the agency or committee of the agency, and the name of the elected officer appears in the standard letterhead of the stationery, forms or envelopes of the agency. Your mailing falls within this exception.

Please note that the Commission is in the process of revising Regulation 18901, which implements the statutory mass mailing restrictions. We anticipate discussion of the amendments at the December 12, 1989 Commission meeting, and adoption of the amendments at the December 13, 1989 Commission meeting. A draft of the proposed amendments is enclosed. Nevertheless, until these amendments are formally adopted by the Commission, the current version of Regulation 18901 remains in force. Our analysis in this letter is based upon the current version of this regulation.

If you have any further questions regarding this matter please feel free to contact me at (916) 322-5901.

Sincerely,

Kathryn E. Donovan
General Counsel


By: John W. Wallace
Counsel, Legal Division

KED:JWW:plh

Enclosures

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Assembly California Legislature

TED LEMPert
ASSEMBLYMAN, TWENTIETH DISTRICT

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UTILITIES AND COMMERCE
SELECT COMMITTEE
ON ETHICS
SELECT COMMITTEE ON
CHILD CARE AND CHILD ABUSE

M E M O R A N D U M

date:
<date>

To:
<name>
<address>

Recently, the State Legislature concluded the first half of a two-year legislative session.

Enclosed you will find a list that will bring you up to date on the new laws that may have impact on you as a mobilehome park resident.

This brief summary of legislation will hopefully be helpful.

enclosure

NOV 17 3 34 PM '88

1989 MOBILEHOME LEGISLATION

AB 212 MOBILEHOME PARKS-PET POLICY --

Requires mobilehome parks to allow residents to keep their pets after the park adopts a no pet policy. Chapter 42.

AB 416 RESIDENT PURCHASE OF PARK EXEMPT FROM SUBDIVISION MAP ACT --

Allows residents to apply for an exemption from Map Act requirements, if the tenants are seeking to buy a park in the form of a "condominium park purchase". Chapter 831.

AB 1914 RIGHTS OF HEIRS AND JOINT TENANTS --

Clarifies that joint owners, as well as heirs, have the right to resell a mobilehome following the death of the owner. Chapter 714.

SB 81 EXTENSION AND CHANGE OF DUTIES --

Extends the Mobilehome Ombudsman Program and allows the Ombudsman to provide assistance and take complaints on rent and lease issues, as well as provide information on such issues. The measure also specifies that the Ombudsman may not mediate, negotiate, or provide legal advice on rent and lease issues. Chapter 189.

SB 175 HOMEOWNER BILL OF RIGHTS --

Prohibits park management from denying mobilehome owners the right to peacefully assemble, hold meetings, circulate petitions, and canvass mobilehome residents in the park at reasonable times and in a reasonable manner. Chapter 198.